

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DONALD J. TRUMP; THE TRUMP
ORGANIZATION, INC.; TRUMP
ORGANIZATION LLC; THE TRUMP
CORPORATION; DJT HOLDINGS LLC;
THE DONALD J. TRUMP REVOCABLE
TRUST; and TRUMP OLD POST OFFICE
LLC,

Plaintiffs,

v.

MAZARS USA LLP,

Defendant,

and

COMMITTEE ON OVERSIGHT AND
REFORM OF THE U.S. HOUSE OF
REPRESENTATIVES,

Intervenor-Defendant.

Civil Action No. 1:19-cv-01136-APM

SECOND SUPPLEMENTAL DECLARATION OF WILLIAM S. CONSOVOY

1. I am an attorney at the law firm Consovoy McCarthy PLLC and counsel for plaintiff President Donald J. Trump in his personal capacity.

2. I am over the age of eighteen and under no mental disability or impairment. I have personal knowledge of the following facts and, if called as a witness, would competently testify to them.

3. Exhibit A to this second supplemental declaration is a true and accurate copy of an April 24, 2019 letter from Ranking Member Jim Jordan to Chairwoman Maxine Waters. As of today, it can be downloaded from the House Committee on Oversight and Reform's Minority page at <https://republicans-oversight.house.gov/wp-content/uploads/2019/04/2019-04-24-JDJ-to-MW-Financial-Services-re-Mazars-MOU.pdf>.

4. Exhibit B is a true and accurate copy of a May 15, 2019 letter from Ranking Member Jordan to Chairman Elijah Cummings. As of today, it can be downloaded from the House Committee on Oversight and Reform's Minority page at <https://republicans-oversight.house.gov/wp-content/uploads/2019/05/2019-05-15-JDJ-to-EEC-re-MOU.pdf>.

Per 28 U.S.C. §1746, I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed on May 17, 2019.

s/ William S. Consoy

Exhibit A

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051

MINORITY (202) 225-5074

<http://oversight.house.gov>

April 24, 2019

The Honorable Maxine Waters
Chairwoman
Committee on Financial Services
U.S. House of Representatives
Washington, DC 20515

Dear Madam Chairwoman:

According to news reports, you have issued a number of subpoenas to financial institutions, including Capital One Financial Corp. (Capital One), for sensitive personal financial records relating to President Donald Trump and his immediate family.¹ The nonpublic Memorandum of Understanding (MOU) between you and Oversight Committee Chairman Elijah Cummings requires you to share with Chairman Cummings any documents that you may receive pursuant to your subpoena.² Chairman Cummings, similarly, has subpoenaed private financial information from Mazars USA LLP (Mazars), the global accounting firm that served private citizen Donald Trump.³

Both your subpoena to Capital One and Chairman Cummings's subpoena to Mazars are part of a coordinated and carefully managed campaign to attack the President for political gain, a fact that Chairman Cummings has not disputed.⁴ As such, and in light of your agreement to share Capital One material with Chairman Cummings, I write to ask whether you expect to receive copies of or access to any documents that Mazars may produce in response to Chairman Cummings's subpoena. I look forward to hearing back from you.

Sincerely,



Jim Jordan
Ranking Member

¹ See, e.g., Austin Weinstein & Billy House, *Democrats Subpoena Nine Banks in Probe of Trump Finances*, Bloomberg, Apr. 17, 2019; Andrew Ackerman & Lalita Clozel, *House Democrats Subpoenaed Nine Banks in Trump Finance Probe*, Wall. St. J., Apr. 17, 2019.

² Letter from Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform, to Jim Jordan, Ranking Member, H. Comm. on Oversight & Reform (Apr. 17, 2019); Memorandum of Understanding between Maxine Waters, Chairwoman, H. Comm. on Financial Servs., & Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform at 4 (“[T]he Issuing Chair agrees to share information and production with the non-Issuing Chair . . .”).

³ Document Production Subpoena to Mazars USA LLP (Apr. 15, 2019).

⁴ Letter from Jim Jordan, Ranking Member, H. Comm. on Oversight & Reform, to Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform (Apr. 17, 2019).

The Honorable Elijah E. Cummings

April 24, 2019

Page 2

cc: The Honorable Elijah E. Cummings
Chairman
Committee on Oversight and Reform

The Honorable Patrick McHenry
Ranking Member
Committee on Financial Services

Exhibit B

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074

<http://oversight.house.gov>

May 15, 2019

The Honorable Elijah E. Cummings
Chairman
Committee on Oversight and Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Cummings:

I write to follow up on my letter, dated April 23, 2019, about the nonpublic Memorandum of Understanding (MOU) you executed with Financial Services Chairwoman Maxine Waters to investigate President Trump.¹ You have not responded to this letter.

You did not consult with Republican Members of the Committee or allow Members to consider and debate the terms of your nonpublic MOU before executing it. You did not disclose the MOU's existence until after I raised the matter, and you still have not articulated the authority that allows you to bind the Committee through an MOU. You also have not released the MOU publicly.

Your nonpublic MOU is part of a coordinated and carefully managed campaign to use congressional oversight to attack the President for political gain. Similar to Chairwoman Waters's subpoena to Capital One, you issued a subpoena to Mazars USA LLP (Mazars) for eight years of sensitive, personal financial information about President Trump. However, in your memorandum supporting your subpoena to Mazars, you cited no specific law or legislative proposal for which you require the information to be subpoenaed.² In fact, in the weeks since your subpoena, you have not articulated to the Committee a specific legislative purpose for your subpoena. Instead, you apparently seek the President's personal financial information for the illegitimate purpose of public disclosure in pursuit of headlines.³

The language of your nonpublic MOU supports a conclusion that you seek the President's sensitive, personal financial information to police the President's financial transactions dating back to when he was not even a candidate for elective office. The Committee is not a substitute for the federal agencies charged with regulating and policing the financial and

¹ Letter from Jim Jordan, Ranking Member, H. Comm. on Oversight & Reform, to Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform (Apr. 23, 2019).

² See Memorandum for Members of the Committee on Oversight and Reform, Chairman Cummings's Unprecedented Subpoena of Mazars USA LLP (Apr. 15, 2019).

³ See *Watkins v. United States*, 354 U.S. 178 (1957).

The Honorable Elijah E. Cummings

May 15, 2019

Page 2

securities laws. Your MOU cites no federal statute, bill, amendment, or other legislative proposal for which the information is desired. In fact, the word “legislative” does not appear at all anywhere in your MOU, while the words “investigate,” “investigative,” and “investigation” appear several times. For example:

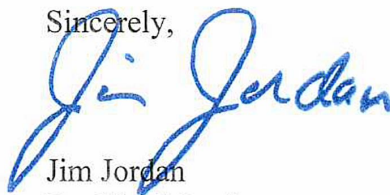
- “The Chairs agree that the Committees’ default position will be to cooperate on matters of mutual investigative interest”⁴
- “The Chairs agree to coordinate on whether subpoenas may be necessary to obtain compliance from a recipient in matters of mutual investigative interest.”⁵
- “To the extent that there are differences between the Committees regarding joint investigative efforts, Committee staff will make best efforts to resolve any such disagreement. If differences cannot be resolved at the staff level, the Chairs will endeavor to resolve matters together.”⁶

In addition, the preface of your MOU underscores the investigative and policing focus, noting the “overlapping jurisdictional *interest in certain individuals and entities*” and “the value of *approaching certain individuals and entities jointly*.”⁷

You have sought to avoid public scrutiny of your quest to obtain the President’s financial information. First, you wrote to Mazars in secret to request the President’s financial information; second, you executed a nonpublic MOU to coordinate with Chairwoman Waters; and finally, you broke your promise to hold a public business meeting to debate a subpoena to Mazars. Your nonpublic MOU has now become a matter of significant public interest due to your unprecedented actions. In the interest of promoting the utmost transparency about the Committee’s business, I encourage you to release publicly your MOU with Chairwoman Waters and any other signed or unsigned MOUs that you have entered into so that the American people can understand the extent to which you and other Democrat chairpersons are engaged in an orchestrated effort to attack the President for political gain.

Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member

⁴ Memorandum of Understanding between Maxine Waters, Chairwoman, H. Comm. on Financial Servs., & Elijah E. Cummings, Chairman, H. Comm. on Oversight & Reform at 1.

⁵ *Id.* at 4.

⁶ *Id.* at 11.

⁷ *Id.* at preface.